

PTO/SB/31(06-03)

Approved for use through 7/31/2003, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) Beiersdorf 688-HCL						
<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> <p>I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on the 25<sup>th</sup> day of May, 2004.</p> <p><i>Agata Glinska</i> Agata Glinska</p>								
In re Application of Volker Schreiner et al. <table border="1"> <tr> <td>Application Number <u>09/701,710</u></td> <td>Filed <u>December 1, 2000</u></td> </tr> <tr> <td colspan="2">For Cosmetic or Dermatologic Preparations Containing Catechins or Green Tea Extract</td> </tr> <tr> <td>Art Unit <u>1617</u></td> <td>Examiner <u>Lauren Q. Wells</u></td> </tr> </table>			Application Number <u>09/701,710</u>	Filed <u>December 1, 2000</u>	For Cosmetic or Dermatologic Preparations Containing Catechins or Green Tea Extract		Art Unit <u>1617</u>	Examiner <u>Lauren Q. Wells</u>
Application Number <u>09/701,710</u>	Filed <u>December 1, 2000</u>							
For Cosmetic or Dermatologic Preparations Containing Catechins or Green Tea Extract								
Art Unit <u>1617</u>	Examiner <u>Lauren Q. Wells</u>							
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner dated May 5, 2004 finally rejecting claims 5-12 and 27-31.</p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) <u>\$320.00 (previously paid)</u></p> <p> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.26. Therefore, the fee amount shown above is reduced by half, and the resulting fee is : \$ _____.       </p> <p> <input type="checkbox"/> A check in the amount of the fee is enclosed.       </p> <p> <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.       </p> <p> <input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. (see Notice of Appeal filed 17 June 2003).       </p> <p> <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>14-1263</u>. I have enclosed a duplicate copy of this sheet.       </p> <p> <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.36(a) (PTO/SB/22) is enclosed.       </p>								
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p> <input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).  <input type="checkbox"/> attorney or agent of record.          Registration _____  <input checked="" type="checkbox"/> attorney or agent under 37 CFR 1.34(a).          Registration number if acting under 37 CFR 1.34(a) <u>48,104</u> </p> <p> <u>May 25, 2004</u>          Date  <u>(212) 808-0700</u>          Telephone Number       </p> <p style="text-align: right;"> <u>Howard C. Lee</u>          Signature  <u>Howard C. Lee</u>          Typed or printed name       </p>								
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>								
<p><input type="checkbox"/> Total of <u>1</u> forms are submitted.</p>								

This collection of information is required by 37 CFR 1.8. This information is required to obtain or retain a benefit by the public which is to file (and be the USPTO to process) an application. Confidentiality is

Attorney Docket No.: Beiersdorf 688-HCL

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Volker SCHREINER et al.  
SERIAL NO. : 09/701,710  
FILED : 01 December 2000  
FOR : COSMETIC OR DERMATOLOGIC PREPARATIONS  
CONTAINING CATECHINS OR GREEN TEA EXTRACT  
ART UNIT : 1617  
EXAMINER : Lauren Q. WELLS

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17 June 2003

Box AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL**

Applicants hereby appeal to the Board of Appeals from the Final Office Action dated 18 March 2003 of the primary Examiner finally rejecting Claims 5-12 and 27-31.

The period for response to the final rejection was set to expire on 18 June 2003.

Charge the appeal fee of:

- \$320.00  
 \$160.00 - Small Entity

to Deposit Account No. 14-1263.

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MAY 25 2004

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**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If any extension of time for this response is required, applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS, McLAUGHLIN &amp; MARCUS, P.A.

By Howard C. Lee  
Howard C. Lee  
Reg. No. 48,104

HCL/jc

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**CERTIFICATE OF FACSIMILE TRANSMITTAL**  
**Fax No. 703-872-9307**

I hereby certify that this correspondence is being transmitted via facsimile to: Box AF, The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

NORRIS, MC LAUGHLIN &amp; MARCUS, P.A.

Date: 17 June 2003By Jennifer Codnington  
Jennifer Codnington